

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTY-EIGHTH LEGISLATIVE DAY
FRIDAY, MARCH 16, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Andreason and Werk, absent and formally excused by the Chair; and Senators Brackett, Hammond, Lodge, and Vick, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Janae Godfrey, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 15, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Brackett, Hammond, Vick, and Lodge were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 15, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1390](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, [S 1390](#) was referred to the Fourteenth Order of Business, General Calendar.

March 15, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 607](#) and [H 645](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 607](#) and [H 645](#) were filed for second reading.

March 15, 2012

The JUDICIARY AND RULES Committee reports that Enrolled [S 1214](#), [S 1215](#), as amended, [S 1225](#), [S 1226](#), [S 1227](#), [S 1228](#), [S 1232](#), [S 1236](#), [S 1253](#), [S 1259](#), [S 1265](#), [S 1266](#), [S 1268](#), [S 1272](#), [S 1277](#), as amended, [S 1278](#), [S 1292](#), [S 1301](#), [S 1308](#), [S 1312](#), and [S 1324](#) were delivered to the Office of the Governor at 3:42 p.m., March 15, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 15, 2012

The HEALTH AND WELFARE Committee reports out [H 487](#) and [H 632](#) with the recommendation that they do pass.

LODGE, Chairman

[H 487](#) and [H 632](#) were filed for second reading.

March 15, 2012

The STATE AFFAIRS Committee reports out [S 1372](#) with the recommendation that it be referred to the Transportation Committee.

MCKENZIE, Chairman

There being no objection, [S 1372](#) was referred to the Transportation Committee.

March 15, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 593](#) with the recommendation that it do pass.

CORDER, Chairman

[H 593](#) was filed for second reading.

March 15, 2012

The EDUCATION Committee reports out [H 633](#) with the recommendation that it do pass.

GOEDDE, Chairman

[H 633](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 15, 2012

Dear Mr. President:

I transmit herewith [H 551](#), [H 542](#), as amended, [H 631](#), as amended, and [H 619](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[H 551](#), [H 542](#), as amended, [H 631](#), as amended, and [H 619](#), as amended, were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that [SCR 133](#) was before the Senate for final consideration.

Moved by Senator Davis, seconded by Senator Stennett, that [SCR 133](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [SCR 133](#) adopted, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Gary Scheihing was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Stennett, the Gubernatorial appointment of Gary Scheihing as a member of the Commission on Pardons and Parole was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Curt Fransen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bock, seconded by Senator Malepeai, the Gubernatorial appointment of Curt Fransen as the Director of the Department of Environmental Quality was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Education Committee report relative to the Gubernatorial appointment of William H. Goesling was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Goedde, seconded by Senator Schmidt, the Gubernatorial appointment of William H. Goesling as a member of the State Board of Education was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1401 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 2013; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; PROVIDING THAT THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL DIRECT THE STATE CONTROLLER TO LIMIT THE FUNDS TRANSFER TO THE LEGISLATIVE FUND FOR FISCAL YEAR 2013; CREATING AND APPROPRIATING THE LEGISLATIVE CAPITOL FACILITIES FUND; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1402 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1403 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

[S 1401](#), [S 1402](#), and [S 1403](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 551](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 542](#), as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 631](#), as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 619](#), as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 376](#), by Business Committee, was read the second time at length and filed for third reading.

[H 514](#), by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

[H 570](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 502](#), as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 569](#) and [H 609](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[H 519](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 603](#) and [H 626](#), by Education Committee, were read the second time at length and filed for third reading.

[S 1380](#), as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [S 1339](#), as amended, and [S 1387](#) retained their place on the Third Reading Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, [S 1348](#), as amended, and [H 426](#), as amended in the Senate, retained their place on the Third Reading Calendar for one legislative day.

[S 1388](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1388](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1389](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1389](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1391](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1391](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1392](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1392](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 622](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 622](#) passed, title was approved, and the bill ordered returned to the House.

[H 579](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 579](#) passed, title was approved, and the bill ordered returned to the House.

[H 541](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 541](#) passed, title was approved, and the bill ordered returned to the House.

[H 420](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 420](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 9:30 a.m., Monday, March 19, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary